

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

RLI INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	5:18-cv-00066-MFU-JCH
NEXUS SERVICES, INC., et. al.)	
)	
Defendants.)	

**DEFENDANTS' SECOND AMENDED RESPONSE TO RLI
INSURANCE COMPANY'S ("RLI'S") RENEWED MOTION TO
ENFORCE FINAL ORDER AND FOR CONTEMPT SANCTIONS**

Defendants, NEXUS SERVICES, INC., LIBRE BY NEXUS, INC., and HOMES BY NEXUS, INC. (collectively, "Nexus"), upon its continuing duty to amend or modify previous assertions proffered to this Court, and pursuant to undersigned counsel's duty as an officer of the Court, hereby file this *Second Amended* Response to RLI's Renewed Motion to Enforce Final Order and for Contempt Sanctions, and state the following:

1. Nexus submits to the Court the attached statement from Nexus' bank, which confirms the transfer of \$1,030,795.86 to RLI. Exh. A.
2. At its hearing on February 25, 2022 on RLI's motion for the appointment of a receiver, the Court was told by Nexus President and CEO Mike Donovan that Nexus would initiate transfers in an amount of \$1,000,000. The Court invited an update from Nexus which Nexus provided on March 4. Nexus updated the Court on March 11, 2022, and submits its final update herein.

3. Counsel for Nexus apologizes to the Court for the multiple updates, but the payments were made through Nexus' payment processor, so while they were initiated as promised, it has taken a couple of weeks for all of the payments to actually pull from Nexus' accounts and transfer to RLI, due to the internal policies and daily transfer limits of Nexus' invoice payment system and financial institution.

4. In this vein, Nexus will not respond to Plaintiff's most recent filing; Nexus' efforts speak for themselves.

5. Nexus continues to honor its obligations under the Court's order to the best of its ability, as Nexus has tendered payment for two new I340 Notice to Deliver to RLI to process as collateral pursuant to the Court's order on March 18, 2022.

7. Ironically, Nexus' recent significant efforts to obtain financing would further complicate the appointment of a receiver, as said appointment would result in the calling of all the loans, sending Nexus into a spiral from which it could not recover, and which would be the direct result of the Plaintiff's request for receiver.

Respectfully submitted this 18th day of March, 2022.

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CERTIFICATE OF SERVICE

I certify that on this 18th day of March, 2022, a copy of the foregoing was filed via CM/ECF, which will send a notification of such filing to all counsel of record.

By: _____

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